

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

**JAMES AMICK,**

Plaintiff

V.

SEACRET SPA, LLC,  
SEACRET SPA RETAIL, LLC  
DANI SOLOMON AND  
MAYA NAGGAR

### Defendants.

CIVIL ACTION NO. 15-CV01766


## **ORDER ON PLAINTIFF'S MOTION TO REMAND**

After considering Plaintiff James Amick's motion to remand, the response, and the notice of removal, the Court

FINDS that the removal is procedurally defective for non-compliance with the rule of unanimity, which provides: “When a civil action is removed solely under section 1441(a), all defendants who have been properly joined and served must join in or consent to the removal of the action.” 28 U.S.C. §1446(b)(2)(A); *see Powers v. United States*, 783 F.3d 570, 576 (5<sup>th</sup> Cir. 2015) (“The rule of unanimity requires that all defendants to an action either sign the original petition for removal *or* timely file written consent to the removal.”) (emphasis in original); *Extreme Outdoors Limited, Inc. v. Gary Yamamoto Custom Baits, Inc.*, 2008 WL 2810874, \*3 (S.D. Tex. 2008) (Rosenthal, Lee, J.) (“Under the unanimity rule, all properly served defendants must timely join in or consent to the removal.”).

REMANDS this case to the County Court at Law No. 1 of Brazos County, Texas.

SIGNED this 21<sup>st</sup> day of August, 2015.

  
Lee Rosenthal  
United States District Judge